

Notice of Allowability	Application No.	Applicant(s)	
	10/606,494	VAN DOK ET AL.	
	Examiner	Art Unit	
	Eric Wiener	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination filed on 1/20/2009.
2. ☒ The allowed claim(s) is/are 1,4-17,20,26-34,36-40,45-50,54-58 and 62-66.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>20090120</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20090330</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other ____. |
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/Ba Huynh/
Primary Examiner, Art Unit 2179

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submissions filed on 1/8/2009 and 1/20/2009 have been entered.

2. Claims 1, 17, 29, and 38 are the independent claims. Claim 57 has been amended by the Examiner. Claims 1, 4 – 17, 20, 26 – 34, 36 – 40, 45 – 50, 54 – 58, and 62 – 66 are allowable. Claims 2, 3, 18, 19, 21 – 25, 35, 41 – 44, 51 – 53, and 59 – 61 have been cancelled.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 1/20/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS has been considered by the Examiner.

Examiner Amendment

4. An examiner's amendment to the record appears below. Should the changes be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Gregory Lunt on 1/21/2009, wherein it was agreed to amend claim 57 to depend from claim 38.

In addition, the amendments to the Specification received on 1/8/2009 have been approved for entry.

Allowable Subject Matter

5. Claims 1, 4 – 17, 20, 26 - 34, 36 - 40, 45 - 50, 54 - 58, and 62 - 66 are allowable.

Applicants' arguments pertaining to claims 1, 4 – 17, 20, 26 - 34, 36 - 40, 45 - 50, 54 - 58, and 62 - 66 in the Remarks filed on 11/24/2008 have been fully considered. In particular, Applicant's arguments pertaining to the newly amended limitations of claims 1, 17, 29, and 38 have been fully considered and are persuasive. In particular, Applicants' argument that neither Ohkado (US 2001/0047626 A1), Caviedes (US 6,646,673), nor the other cited art of record teaches or suggests the limitation corresponding to "determining that the overall level of user interaction is sufficient to expand and separate the conversation window of the intermediate representation from the intermediate representation itself, such that the conversation window appears as a separate interface, expanding the conversation window beyond the window borders of the intermediate representation, such that the conversation window's borders extend at least one of horizontally and vertically beyond the window borders of the intermediate representation, and separating the conversation window from the intermediate representation, such that the conversation window appears as a separate interface in addition to the intermediate representation of the user interface" is persuasive.

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6. The following is an examiner's statement of reasons for allowance:

Upon further review, independent claims 1, 17, 29, and 38, when each considered as a whole, are allowable over the art of record.

Specifically regarding claims 1, 17, 29, and 38, prior art of record fails to clearly teach or suggest the claimed limitation of:

-in a computer system that supports real time communications between a user of the computer system and one or more contacts that displays an intermediate representation of a user interface for real time communication including a text box and monitors all types of user interaction over a period of time to determine an overall level of user interaction:

determining that the overall level of user interaction is sufficient to expand and separate the conversation window of the intermediate representation from the intermediate representation itself, such that the conversation window appears as a separate interface, expanding the conversation window beyond the window borders of the intermediate representation, such that the conversation window's borders extend at least one of horizontally and vertically beyond the window borders of the intermediate representation, and separating the conversation window from the intermediate representation, such that the conversation window appears as a separate interface in addition to the intermediate representation of the user interface.

Ohkado discloses a method of simplifying user interaction with one or more real time communication user interfaces by adapting the one or more user interfaces to the user's activity level in a computer system that supports real-time communication between a user of the

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computer system and one or more contacts and a computer program product comprising one or more computer readable media carrying computer executable instructions that implement said method, said method comprising acts of:

- displaying a representation of a user interface for real-time communication, the intermediate representation including a text input box and at least a portion of a received real-time message;
- monitoring user interaction with the intermediate representation of the user interface; and
- determining a level of user interaction with the intermediate representation of the user interface based on monitored user interactions with the user interface and automatically adapting the user interface to the user's activity level by performing at least one of:
 - o based on the determined level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged, automatically enlarging the size of the intermediate representation of the user interface to an enlarged representation appropriate for a high determined level of interaction, wherein the enlarged representation includes the text input box; and
 - o based on the determined level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged, automatically reducing the size of the intermediate representation of the user

interface to a reduced representation appropriate for a low determined level of interaction.

Ohkado further discloses that automatically enlarging or reducing includes determining the location and size of any other application windows that are being displayed in addition to the intermediate representation and automatically enlarging or reducing the intermediate representation without obstructing other windows in accordance with the determined location of the other windows.

In addition, Caviedes discloses numerous types of user interaction that may be monitored over a period of time to determine an “activity information” that essentially serves as an overall activity level used to automatically adapt the representation of a user interface.

However, Ohkado and Caviedes do not explicitly disclose expanding and separating in response to determining that the overall level of user interaction is sufficient, wherein the expanding causes the conversation window's borders to extend at least one of horizontally and vertically beyond the window borders of the intermediate representation and that the separating causes the conversation window to appear as a separate interface in addition to the intermediate representation of the user interface

Therefore claims 1, 17, 29, and 38 are allowable because none of the references, either alone or in combination, explicitly teach determining that the overall level of user interaction is sufficient to expand and separate the conversation window of the intermediate representation from the intermediate representation itself, such that the conversation window appears as a separate interface, expanding the conversation window beyond the window borders of the intermediate representation, such that the conversation window's borders extend at least one of

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horizontally and vertically beyond the window borders of the intermediate representation, and separating the conversation window from the intermediate representation, such that the conversation window appears as a separate interface in addition to the intermediate representation of the user interface.

Dependent claims 4 – 16, 20, 26 – 28, 30 - 34, 36, 37, 39, 40, 45 - 50, 54 - 58, and 62 - 66 further add limitations to the allowable subject matter of independent claims 1, 17, 29, and 38, and thus are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

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obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/

Examiner, Art Unit 2179

/Ba Huynh/

Primary Examiner, Art Unit 2179